

REMARKS

New claims 11-17 are added. Support for the new claims is provided by the application at, for example, pages 2-6.

Claim 10 is rejected under 35 U.S.C. §112, second paragraph. Claim 10 is amended as implicitly suggested by the Examiner, and therefore, the rejection is overcome and should be withdrawn.

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable in view of Hammond (U.S. Publication No. 2003/0128426 A1) and further in view of Oie (U.S. Patent No. 6,188,431 B1).

Independent claim 1 recites "an autonomous digital camera with an interface for an additional external image sensor." The Examiner states Hammond fails to teach this limitation and provides Oie to teach the limitation, wherein the Examiner states the system of Hammond can be modified to use the digital camera disclosed by Oie "to share image data without requiring additional equipment, time and labor." (pg. 3 of paper no. 20061207). However, this motivational rationale ("to share image data") for modifying the Hammond device, as stated by the Examiner, is redundant. Accordingly, "common sense" would dictate that one skilled in the art would not look to Oie for teachings which Hammond allegedly already provides. The recent U.S. Supreme Court directed to proper obviousness analysis stressed that "common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices" *KSR International Co. v. Teleflex Inc.*, 550 U.S. _____, first paragraph of II. B. (2007).

The Hammond device is entitled "Digital Camera Binoculars" and is a binocular device that has a camera on the binocular device (paras. 0001, 0007, 0009, 0011-0013, 0036 and 0042 of Hammond). As explained throughout the present application, image

devices such as binoculars with a camera are so heavy that receiving focused images is greatly diminished due to the unsteady nature of holding the binocular/camera combination. Particularly at high magnification, receiving images that are not blurred is very difficult. Accordingly, the claimed invention of claim 1 recites "an autonomous digital camera with an interface for an additional external image sensor to alleviate the weight problem of binocular/camera combinations such as the Hammond device.

Moreover, Hammond states "the binocular includes an electrical connection for transferring the recorded image to another electronic device" (para. 0013 of Hammond). That is, the Hammond device "share[s] image data" wherein the Examiner implies that the Hammond device lacks such capability because "to share image data" is presented as the alleged reason for modifying the Hammond device with teachings of Oie. Consequently, the motivational rationale "to share image data" presented by the Examiner as the reason for modifying the Hammond device is redundant. "Common sense" dictates that one skilled in the art would not look to Oie for teachings to modify the Hammond device when Hammond allegedly already provides the same functionality. That is, adding the teachings of Oie to the Hammond device does not add any further functionality nor any further serviceability and only adds undesirable weight. Accordingly, the motivational rationale provided by the Examiner for modifying the Hammond device is against common sense and does not exist, and therefore, the obviousness rejection based on the non-existent motivational rationale must be withdrawn. Independent claim 1 is allowable.


Claims 2-11 depend from allowable independent claim 1, and therefore, are allowable for depending from an allowable independent claim.

This application is believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be

anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 6-18-07

By: 
D. Brent Kenady
Reg. No. 40,045